

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

ALEXANDER RUGGIERO,	)	
	)	
Plaintiff	)	Civil Action File No.
vs.	)	1:23-cv-01360
	)	
RENT RECOVERY SOLUTIONS, LLC and	)	
EXPERIAN INFORMATION SOLUTIONS,	)	
INC.	)	
	)	
Defendant.	)	
_____	)	

**DEFENDANT RENT RECOVERY SOLUTIONS, LLC’S ANSWER**

COMES NOW, Rent Recovery Solutions, LLC, Defendant in the above-referenced action (hereinafter “Defendant”), and files this Answer in response to the Plaintiff’s Complaint as follows:

**PRELIMINARY STATEMENT**

1. Defendant denies that it violated the FDCPA or Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681 *et seq.* Defendant denies that Plaintiff is entitled to damages or attorney’s fees.

**JURISDICTION AND VENUE**

2. The allegations contained in Paragraph 2 of the Plaintiff’s Complaint relate to legal conclusions to which Defendant is under no known obligation to respond. To the extent that any response is required; denied.
3. The allegations contained in Paragraph 3 of the Plaintiff’s Complaint relate to legal conclusions to which Defendant is under no known obligation to respond. To the extent that any response is required; denied.

4. The allegations contained in Paragraph 4 of the Plaintiff's Complaint relate to legal conclusions to which Defendant is under no known obligation to respond. To the extent that any response is required; denied.

#### **PARTIES AND SERVICE**

5. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 5 of the Plaintiff's Complaint.
6. The allegations contained in Paragraph 6 of the Plaintiff's Complaint relate to legal conclusions to which Defendant is under no known obligation to respond. To the extent that any response is required; denied.
7. The allegations contained in Paragraph 7 of the Plaintiff's Complaint relate to legal conclusions to which Defendant is under no known obligation to respond. To the extent that any response is required; denied.
8. Defendant admits the allegations contained in Paragraph 8 of the Plaintiff's Complaint.
9. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 9 of the Plaintiff's Complaint.
10. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 10 of the Plaintiff's Complaint.
11. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 11 of the Plaintiff's Complaint.

#### **FACTUAL ALLEGATIONS**

12. Defendant admits that Plaintiff had a lease with Arboleda Apartment Homes. Defendant lacks knowledge or information sufficient to form a belief as to the remaining allegations contained in Paragraph 12 of the Plaintiff's Complaint.

13. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 13 of the Plaintiff's Complaint.
14. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 14 of the Plaintiff's Complaint.
15. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 15 of the Plaintiff's Complaint.
16. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 16 of the Plaintiff's Complaint.
17. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 17 of the Plaintiff's Complaint.
18. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 18 of the Plaintiff's Complaint.
19. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 19 of the Plaintiff's Complaint.
20. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 20 of the Plaintiff's Complaint.
21. Defendant denies the allegations contained in Paragraph 21 of the Plaintiff's Complaint.
22. Defendant denies the allegations contained in Paragraph 22 of the Plaintiff's Complaint.
23. Defendant denies the allegations contained in Paragraph 23 of the Plaintiff's Complaint.
24. Defendant denies the allegations contained in Paragraph 24 of the Plaintiff's Complaint.
25. Defendant denies the allegations contained in Paragraph 25 of the Plaintiff's Complaint.
26. Defendant denies the allegations contained in Paragraph 26 of the Plaintiff's Complaint.
27. Defendant denies the allegations contained in Paragraph 27 of the Plaintiff's Complaint.

28. Defendant denies the allegations contained in Paragraph 28 of the Plaintiff's Complaint.
29. Defendant admits that it placed a call on Plaintiff's unpaid account. Defendant denies the remaining allegations contained in Paragraph 29 of the Plaintiff's Complaint.
30. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 30 of the Plaintiff's Complaint.
31. Defendant admits that it sent Plaintiff written correspondence regarding his claim of identity theft which requested information regarding his dispute.
32. Defendant denies the allegations contained in Paragraph 32 of the Plaintiff's Complaint.
33. Defendant denies the allegations contained in Paragraph 33 of the Plaintiff's Complaint.
34. Defendant denies the allegations contained in Paragraph 34 of the Plaintiff's Complaint.
35. Defendant denies the allegations contained in Paragraph 35 of the Plaintiff's Complaint.
36. Defendant denies the allegations contained in Paragraph 36 of the Plaintiff's Complaint.
37. Defendant denies the allegations contained in Paragraph 37 of the Plaintiff's Complaint.
38. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 38 of the Plaintiff's Complaint.
39. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 39 of the Plaintiff's Complaint.
40. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 40 of the Plaintiff's Complaint.
41. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 41 of the Plaintiff's Complaint.
42. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 42 of the Plaintiff's Complaint.

43. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 43 of the Plaintiff's Complaint.
44. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 44 of the Plaintiff's Complaint.
45. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 45 of the Plaintiff's Complaint.
46. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 46 of the Plaintiff's Complaint.
47. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 47 of the Plaintiff's Complaint.
48. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 48 of the Plaintiff's Complaint.
49. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 49 of the Plaintiff's Complaint.
50. Defendant denies the allegations contained in Paragraph 50 of the Plaintiff's Complaint.
51. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 51 of the Plaintiff's Complaint.
52. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 52 of the Plaintiff's Complaint.
53. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 53 of the Plaintiff's Complaint.
54. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 54 of the Plaintiff's Complaint.

55. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 55 of the Plaintiff's Complaint.

56. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 56 of the Plaintiff's Complaint.

**FIRST CAUSE OF ACTION**  
**(Willful Violation of 15 U.S.C. § 1681s-2(b) as to Defendant RRS)**

57. Defendant incorporates by reference the above Paragraphs of this Answer as if fully stated therein.

58. Defendant denies that it violated the FCRA.

59. The allegations contained in Paragraph 59 of the Plaintiff's Complaint relate to legal conclusions to which Defendant is under no known obligation to respond. To the extent that any response is required; denied.

60. The allegations contained in Paragraph 60 of the Plaintiff's Complaint relate to legal conclusions to which Defendant is under no known obligation to respond. To the extent that any response is required; denied.

61. The allegations contained in Paragraph 61 of the Plaintiff's Complaint relate to legal conclusions to which Defendant is under no known obligation to respond. To the extent that any response is required; denied.

62. Defendant denies the allegations contained in Paragraph 62 of the Plaintiff's Complaint.

63. The allegations contained in Paragraph 63 of the Plaintiff's Complaint relate to legal conclusions to which Defendant is under no known obligation to respond. To the extent that any response is required; denied.

64. Defendant denies the allegations contained in Paragraph 64 of the Plaintiff's Complaint.

65. Defendant denies the allegations contained in Paragraph 65 of the Plaintiff's Complaint.

66. Defendant denies the allegations contained in Paragraph 66 of the Plaintiff's Complaint.

**SECOND CAUSE OF ACTION**  
**(Negligent Violation of 15 U.S.C. § 1681s-2(b) as to Defendant RRS)**

67. Defendant incorporates by reference the above Paragraphs of this Answer as if fully stated therein.

68. Defendant denies that it violated the FCRA.

69. The allegations contained in Paragraph 69 of the Plaintiff's Complaint relate to legal conclusions to which Defendant is under no known obligation to respond. To the extent that any response is required; denied.

70. The allegations contained in Paragraph 70 of the Plaintiff's Complaint relate to legal conclusions to which Defendant is under no known obligation to respond. To the extent that any response is required; denied.

71. The allegations contained in Paragraph 71 of the Plaintiff's Complaint relate to legal conclusions to which Defendant is under no known obligation to respond. To the extent that any response is required; denied.

72. Defendant denies the allegations contained in Paragraph 72 of the Plaintiff's Complaint.

73. The allegations contained in Paragraph 73 of the Plaintiff's Complaint relate to legal conclusions to which Defendant is under no known obligation to respond. To the extent that any response is required; denied.

74. Defendant denies the allegations contained in Paragraph 74 of the Plaintiff's Complaint.

75. Defendant denies the allegations contained in Paragraph 75 of the Plaintiff's Complaint.

76. Defendant denies the allegations contained in Paragraph 76 of the Plaintiff's Complaint.

**THIRD CAUSE OF ACTION**  
**(Willful Violation of 15 U.S.C. § 1681e(b) as to Defendant Experian)**

77. Defendant incorporates by reference the above Paragraphs of this Answer as if fully stated therein.

78. Defendant denies that it violated the FCRA.

79. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 79 of the Plaintiff's Complaint.

80. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 80 of the Plaintiff's Complaint.

81. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 81 of the Plaintiff's Complaint.

82. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 82 of the Plaintiff's Complaint.

83. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 83 of the Plaintiff's Complaint.

**FOURTH CAUSE OF ACTION**  
**(Negligent Violation of 15 U.S.C. § 1681e(b) as to Defendant Experian)**

84. Defendant incorporates by reference the above Paragraphs of this Answer as if fully stated therein.

85. Defendant denies that it violated the FCRA.

86. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 86 of the Plaintiff's Complaint.

87. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 87 of the Plaintiff's Complaint.

88. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 88 of the Plaintiff's Complaint.



89. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 89 of the Plaintiff's Complaint.

90. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 90 of the Plaintiff's Complaint.

**FIFTH CAUSE OF ACTION**  
**(Willful Violation of 15 U.S.C. § 1681i(a) as to Defendant Experian)**

91. Defendant incorporates by reference the above Paragraphs of this Answer as if fully stated therein.

92. Defendant denies that it violated the FCRA.

93. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 93 of the Plaintiff's Complaint.

94. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 94 of the Plaintiff's Complaint.

95. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 95 of the Plaintiff's Complaint.

96. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 96 of the Plaintiff's Complaint.

97. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 97 of the Plaintiff's Complaint.

**FIFTH CAUSE OF ACTION**  
**(Willful Violation of 15 U.S.C. § 1681i(a) as to Defendant Experian)**

98. Defendant incorporates by reference the above Paragraphs of this Answer as if fully stated therein.

99. The allegations contained in Paragraph 99 of the Plaintiff's Complaint relate to legal conclusions to which Defendant is under no known obligation to respond. To the extent that any response is required; denied.

100. Defendant denies the allegations contained in Paragraph 100 of the Plaintiff's Complaint.

#### **DEMAND FOR JURY TRIAL**

101. Defendant denies, to the extent it can, the allegations contained in Paragraph 101 of the Plaintiff's Complaint.

102. Defendant denies all remaining allegations contained in Plaintiff's Complaint not specifically admitted herein.

#### **FIRST DEFENSE**

103. Plaintiff's Complaint fails to state a claim against Defendant upon which relief may be granted.

#### **SECOND DEFENSE**

104. Any act or omission by Defendant, if determined to be in violation of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*, was not intentional and was the result of a *bona fide* error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error. Accordingly, Defendant would have no liability pursuant to 15 U.S.C. § 1692k(c).

#### **THIRD DEFENSE**

105. Plaintiff has not been damaged; therefore, Plaintiff may not recover against this Defendant.

#### **FOURTH DEFENSE**

106. Plaintiff lacks standing.

**FIFTH DEFENSE**

107. Plaintiff's claims are or may be subject to an arbitration agreement requiring her to submit her claims to mandatory and binding arbitration. If so, Defendant will exercise its right to arbitration under the agreement, which is specifically enforceable pursuant to the Federal Arbitration Act, 9 U.S.C. Section 1, *et. seq.*

108. Subject to the foregoing defenses and without waiving same, Defendant responds to the individually numbered paragraphs of Plaintiff's complaint as follows:

WHEREFORE, Defendant prays that Defendant be dismissed with prejudice; that judgment be granted to Defendant and that the relief requested by Plaintiff be denied; that all costs be taxed to Plaintiff; and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

**MARTIN GOLDEN LYONS**  
**WATTS MORGAN PLLC**

/s/ Xerxes Martin

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***COUNSEL FOR DEFENDANT***  
***RENT RECOVERY SOLUTIONS, LLC***

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing document has been forwarded via **CM/ECF, email, and/or CMRRR** to all parties entitled to notice of the same on this 18th day of December 2023.

/s/ Xerxes Martin  
EUGENE XERXES MARTIN, IV